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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

|Case No. 5:17-cr-00506-BLF

Plaintiff,

V.

JOSE SANCHEZ FLORES.

Defendant.

**DECLARATION OF LINDA KENY, ESQ.  
IN SUPPORT OF MOTION FOR TRIAL  
CONTINUANCE AND TO EXTEND  
PRETRIAL DEADLINES**

Date: January 8, 2019

Time: 9:00 a.m.

Courtroom 3, 5<sup>th</sup> Floor

280 South First Street

San Jose, CA 95113

The Honorable Beth Labson Freeman

I, LINDA KENY, declare:

1. I am an attorney duly licensed to practice before all Courts of the State of California. I am one of the attorneys of record for Defendant JOSE SANCHEZ FLORES (“Defendant”) and make this declaration in support of Defendant’s Motion to Continue Trial and Extend Pretrial Deadlines. I have personal knowledge of the matters set forth herein and would

1 testify competently thereto if called as a witness.  
2

3       2. I appeared before this Court on behalf of Defendant for a status conference held  
4 on November 20, 2018. Prior to the status conference, my office had engaged in informal  
5 discussions with government's counsel and was under the impression that a trial date was not  
6 available with the court until at least June of 2019. Accordingly, I consulted with lead trial counsel  
7 for Defendant, my colleague Mr. Lawrence Ramirez, to confirm his availability for that  
8 timeframe. Additionally, I also confirmed Defendant's chief expert witness, CPA Edward De  
9 Jong, for his availability on or after June of 2019.

10     3. At the status conference held on November 20, 2018, I requested the court for a  
11 trial date in June or July of 2019. The court informed me that a specific trial date was not available  
12 until late in 2020 or even 2021. Wishing to avoid this significant delay, I agreed to accept a  
13 trailing trial date of April 22, 2018.

14     4. However, upon returning to my office and consulting with Mr. Ramirez  
15 (Defendant's lead trial counsel) and Mr. Edward De Jong of Branton, De Jong & Associates  
16 (Defendant's chief expert witness), I learned that neither was available during the timeframe of  
17 the April 22<sup>nd</sup> scheduled trial date (Mr. Ramirez has a longstanding previous commitment and  
18 Mr. De Jong's work commitments due to tax season could not be changed). I had not previously  
19 ascertained their availability for the April timeframe as I was under the impression that such an  
20 early trial date was not possible.

21     5. Mr. De Jong has performed substantial analysis of and review of the issues  
22 involved in this matter and his testimony is essential to establish Defendant's defense at trial.  
23 Additionally, as lead trial counsel, Mr. Ramirez's presence at trial is also necessary to render  
24 effective assistance of counsel.  
25

6. I attempted to obtain a stipulation from the government to continue the trial date.

AUSA Pitman advised me that he is not averse to changing the trial date as April is a bad time for a tax trial but that I should file this motion to determine the court's availability. Additionally, he also indicated that he would prefer a trial date earlier than that requested in this motion. Accordingly, as I was unable to obtain a stipulation, I am filing this motion to request the court's assistance to render Defendant with the opportunity to present his best defense

7. My office has not previously asked for any continuance in this matter and I am not bringing this Motion to harass or burden the court but in the interests of effective representation of my client.

I declare, under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of December 2018 in San Jose, California.

s/s Linda Keny

Linda Keny

## Declarant